# 3



Docket No.: K2291.0098/P098

(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Masayoshi Kobayashi

Application No.: 09/770,017

Filed: January 25, 2001

Art Unit: 2172

For: DATA STRUCTURE FOR SEARCH

Examiner: H. Q. Pham

### **INFORMATION DISCLOSURE STATEMENT (IDS)**

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 RECEIVED

FEB 1 2 2004

Dear Sir:

Technology Center 2100

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

# Timing of Filing of the Information Disclosure Statement:

This IDS is being filed before the First Office Action <sup>1</sup> .

This IDS is being filed after the filing of an RCE but before the issuance of a Office Action<sup>2</sup>.

<sup>&</sup>lt;sup>1</sup> The IDS should, where possible, include a certification under 37 C.F.R. §1.97(e).

<sup>&</sup>lt;sup>2</sup> The IDS *must* include *either* a certification under 37 C.F.R. §1.97(e) *or* the fee set forth in 37 C.F.R. §1.17(p).

	This IDS is being filed after the issuance of a Final Office Action but before the
	payment of the Final Fee <sup>3</sup> .
Cert	ifications:
If ch	ecked, the undersigned makes the following statement(s):
$\boxtimes$	Statement under 37 CFR § 1.97(e):
	Each item of information contained in this information disclosure statement was
	first cited in any communication from a foreign patent office in a counterpart
	foreign application not more than three months prior to the filing of this
	information disclosure statement; or
	No item of information contained in this information disclosure statement was cited
	in a communication from a foreign patent office in a counterpart foreign
	application, and, to the knowledge of the undersigned after making reasonable
	inquiry, no item of information contained in this information disclosure statement
	was known to any individual designated in § 1.56(c) more than three months prior
	to the filing of the information disclosure statement.
$\boxtimes$	Statement Under 37 C.F.R. § 1.704(d):
	Each item of information contained in this information disclosure statement was
	cited in a communication from a foreign patent office in a counterpart application
	and this communication was not received by any individual designated in §1.56(c)
	more than thirty days prior to the filing of this information disclosure statement.
Fee 1	Required by 37 C.F.R. § 1.97(c)(2) or 1.97(d)(2):
	If checked, the fee of \$180.00 set forth in 37 C.F.R. \$1.17(p) is attached.
	3
	The IDS must include bath a certification under 37 C.F.R. \$1.97(e) and the fee set forth in 37

C.F.R. §1.17(p).

#### Copies of Information:

In accordance with 37 C.F.R. §1.98(a), the following are enclosed: A legible copy<sup>4</sup> of each document (or relevant portion thereof) is cited in the M attached PTO/SB/08.  $\boxtimes$ With respect to any information which is not in English, a concise explanation of the relevance, as it is presently understood by the individual designated in  $\S 1.56(c)$ most knowledgeable about the content of the information, is attached. This concise explanation is provided by way of: A translation of the relevant portions of the non-English language information<sup>5</sup>; A statement explaining the relevant portions of the non-English language information; X A copy [and, where not in the English language, a translation] of at least the relevant portion(s)<sup>6</sup> of the communication from a foreign patent office in a counterpart foreign application in which the information was cited; or This information is contained in the specification of the present application.

<sup>&</sup>lt;sup>4</sup> A legible copy of the document is not required if (1) the information was previously cited by, or submitted to, the Office and considered by the Office in a prior U.S. application to which this application claims priority, provided that the prior application is properly identified in this IDS, and (2) the IDS submitted in the earlier application complies with  $37 \text{ C.F.R.} \ \S \ 1.98(a) - (c)$ . This exception does not apply to information cited in an International Application.

<sup>&</sup>lt;sup>5</sup> 37 C.F.R. §1.98(a)(3)(ii) *requires* that an English language translation be provided when a translation of the document, or portion thereof, "is within the possession, custody or control of, or is readily available to any individual designated in 37 C.F.R. § 1.56(c)."

<sup>&</sup>lt;sup>6</sup> The relevant portion is that portion which indicates the degree of relevance found by the foreign patent office. This may be an explanation of which portion of the of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report. MPEP §609 III A(3).

In accordance with 37 C.F.R. 1.98(d), copies of the cited documents are not enclosed as they were provided in application Serial No. , filed , which the present application relies upon for an earlier effective filing date under 35 U.S.C. 120.

#### Materiality:

Whether or not the information and references disclosed in this Information Disclosure Statement is "material" pursuant to 37 CFR 1.56, this submission is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

In the event the actual fee is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 50-2215.

Dated: February 10, 2004

Respectfully submitted,

Steven I. Weisburd

Registration No.: 27,409

DICKSTEIN SHAPIRO MORIN &

OSHINSKY LLP

1177 Avenue of the Americas

41st Floor

New York, New York 10036-2714

(212) 835-1400

Attorney for Applicant